

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF
AMERICA,

Plaintiff,

v.

RICHARD ROWOLD,

Defendant.

Case no. 3:18CR387-JGC

Hon. James G. Carr
Magistrate Judge James Knepp

DEFENDANT RICHARD
ROWOLD'S MOTION TO
ADOPT CO-DEFENDANT'S
MOTION TO DISMISS

Defendant Richard Rowold moves to adopt the motion to dismiss filed by his co-defendant Steven J. Robison on March 4, 2019 (Doc. 39), together with the affidavit and other attachments, as to both counts of the indictment.

MEMORANDUM

The legal issue raised in co-defendant Robison's motion, and its factual predicate, have equal bearing with respect to defendant Rowold, both as to the first count alleging false statements, and conspiracy to make false statements, in the purchase of firearms in violation of 18 U.S.C. § 922(a)(6) and 18 U.S.C. 2; and as to the second count alleging (by defendant Rowold only) possession of a firearm while under disability in violation of 18 U.S.C. § 922(g)(1).

Both counts require the government to prove that certain items seized from defendant Rowold were “firearms” within the statutory reach of 18 U.S.C. 921 *et. seq.* As argued by defendant Robison, it is patently clear that the government will be unable to do so, since the plain language of the government’s published regulations defeat the proposition that the articles are “firearms.”

A ruling favorable to defendant Robison would have equal effect with respect to the charges against defendant Rowold, and therefore Rowold moves to adopt Robison’s motion as his own.

Respectfully submitted,

s/ Thomas P. Kurt

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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2019, the foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court’s electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court’s system.

s/ Thomas P. Kurt
